### IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER BUSH, ET. AL.,

**PLAINTIFFS** 

: NO. 07-4936

S.C. ADAMS, ET. AL.,

DEFENDANTS

DEPOSITION OF: RICHARD T. FULTZ

TAKEN BY:

**PLAINTIFFS** 

BEFORE:

DONNA E. GLADWIN, RPR

NOTARY PUBLIC

DATE:

JULY 20, 2010, 1:44 P.M.

PLACE:

PENNSYLVANIA STATE POLICE 7820 ALLENTOWN BOULEVARD HARRISBURG, PENNSYLVANIA

### APPEARANCES:

BY: BRIAN M. PURICELLI, ESQUIRE

FOR - PLAINTIFFS

OFFICE OF THE ATTORNEY GENERAL BY: RANDALL J. HENZES, ESQUIRE

FOR - DEFENDANTS

ALSO PRESENT:

CHRISTOPHER BUSH

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	JULY 20, 201
Page 2	Page
1 WITNESS	1 Q What did you bring?
2 NAME EXAMINATION	2 A A possible misuse investigation of the CLEAN and NCIC
3 RICHARD T. FULTZ	3 system, and that would have been No. 2007-06.
4 BY MR. PURICELLI 3	4 Q Okay. And that's an investigation involving an
5	5 allegation that someone entered children in the NCIC system?
6	6 A Correct.
7	7 Q Okay. And the conclusion on that investigation was
8	8 there was no violation?
9	9 A That's correct.
0 EXHIBITS	10 Q Okay. Now, before you came here today did you speal
.1 FULTZ DEPOSITION EXHIBIT NO. PRODUCED AND MARKED	11 with anybody other than an attorney to prepare for today's
.2 1. E-MAIL DATED FEBRUARY 12, 2007 5	12 deposition?
13 2. INCIDENT INVESTIGATION REPORT 16	13 A No.
4	14 Q Did you review any documents other than the ones you
15	15 got in front of you?
16	16 A No, I did not.
17	17 Q Okay. Were you the investigator on the what you
18	18 refer to as possible misuse of the system?
19	19 A Yes.
20	20 Q Okay. And how did you get assigned to that?
21	21 A It came from my sergeant to me.
22	22 Q What's the name of your sergeant?
23	23 A Shawn Sanders at the time. S-A-N-D-E-R-S.
24	24 Q And was that assignment verbal or in writing?
25	25 A Oh, my goodness. It was initially verbal, and then at
Page 3	Page
1 STIPULATION	1 some point I received an e-mail from him with some details for
It is hereby stipulated by and between counsel for the	2 me to follow up on.
3 respective parties that reading, signing, sealing,	3 Q Is that e-mail inside your packet, the packet that you
4 certification and filing are hereby waived; and that all	4 brought, the file?
5 objections except as to the form of the question are reserved	5 A I believe so.
6 to the time of trial.	6 Q Could we see it, please?
7	7 MR. HENZES: Yeah.
8 RICHARD T. FULTZ, called as a witness, being duly	8 MR. PURICELLI: Okay. You want to mark that as 1?
9 sworn, testified as follows:	9 (E-mail dated February 12, 2007 was produced and
10	10 marked as Fultz Deposition Exhibit No. 1.)
11 DIRECT EXAMINATION	11 BY MR. PURICELLI:
12 BY MR. PURICELLI:	12 Q Now, I'm going to show you a document that's been
13 Q Is it Trooper Fultz?	13 marked Fultz 1. It's an e-mail. Can you tell me is this the
14 A Corporal.	14 e-mail that we just looked at in your pile?
15 Q Corporal?	15 A Except for the last page.
16 A Yep.	16 Q Okay. The last page wasn't on yours?
17 Q Corporal, my name is Brian Puricelli. You've been	17 A Not this document, no.
18 asked to come down here to see if you can fill in some gaps for	18 Q Okay. Can we take that off then, Randy? I have it
	19 with I don't care if it's there.
19 us	
19 us 20 A Okay.	20 A Well, that documents somewhere in this report, but not
	20 A Well, that documents somewhere in this report, but not 21 attached to that e-mail.
20 A Okay.	
<ul> <li>20 A Okay.</li> <li>21 Q in a lawsuit. Are you familiar with the reason</li> </ul>	21 attached to that e-mail.
20 A Okay. 21 Q in a lawsuit. Are you familiar with the reason 22 you're down here?	21 attached to that e-mail. 22 Q Okay. This document indicates that on Tuesday,

## RICHARD T. FUI dase 2:07-cv-04936-MAM Modein 152-4 Filed 10/01/10 Page 4 of 7 JULY 20, 2010

1	301	L1 20, 2010		
2 a subject? 3 A Yep, 4 Q What's that mean? 5 A That is just a note to me to follow up on it, and it's finaged so that I can see the little rolf flag on any email. 7 Q Okay. And prior to February 12, 2007 how much 8 experience had you had to investigate possible misuse of the 9 CLEAN system? 10 A About one year, I think. I think March 1st would have been use year with the CLEAN section at that point. 12 Q So you started with the CLEAN roughly around March of 13 '106' 1 Clean System? 14 A March 1 of '106. 15 Q And for that approximately one year, I want to be 15 specific for Randy, shout I I months how many CLEAN 19 system? 17 investigations did you do where it was alleged that someone had 18 outside of jurisdiction entered missing children into the CLEAN 19 system? 19 A Yes. This was the only one. 20 Q Okay. And I shour investigation of the remail that you have any many CLEAN 20 Q Okay. And the cream of the tree was another one. I don't a recall that there was receiving and thus sending to you to the timestigation? He will be made to the the single flag that to meet the single children into the CLEAN 18 system? 20 A Entered missing children? 21 Q Okay. And I make the only one. 22 Q Okay. 23 Q Okay. 24 A I mean, I had done a couple other misuse 25 investigations, but this was the only one involving children. 25 information one employees. And there was another one. I don't a recall at this point in time what it was about, but something 5 similar to that. 26 Q Okay. And in your investigation of the Newtown 7 Township case did you consult with any regulations 2 my piece of 9 this, of this assignment that you have on the e-mail, is 10 strictly an administrative investigation. 27 Q Okay. And have a was a municipality allegelly running drive's 10 something 10 strictly an administrative investigation of the Newtown 17 ownship case did you consult with any regulations 2 my piece of 9 this, of this assignment that you have on the e-mail, is 10 strictly an administrative investigation of the Newtown 17 ownship case did yo				Page 8
3 A Yep. 4 Q What's that mean? 5 A That is just a note to me to follow up on it, and it's 6 flagged so that I can see the little red flag on my ermail. 7 Q Okay. And priot to February 12, 2007 how much 8 experience had you had to investigate possible misuse of the 9 CLEAN system? 10 A About one year, I think. I think March 1st would have 11 been one year with the CLEAN section at that point. 12 Q So you started with the CLEAN roughly around March of 13 '06? 13 'March 1 of '06. 15 Q And for that approximately one year, I want to be 16 specific for Randy, about 11 months how many CLEAN 17 investigations did you do where it was allegal that someone had 18 outside of jurisdiction entered missing children into the CLEAN 18 outside of jurisdiction entered missing children into the CLEAN 18 outside of jurisdiction entered missing children into the CLEAN 2 A Time was the only one. 23 Q Okay. 24 A I mean, I had done a couple other misuse 25 investigations, but this was the only one involving children.  Page 7 1 Q What other type did you investigation of the Newtown 7 Township case did you consult with any regulations? 2 A Time CLEAN Administrative investigation of the Newtown 7 Township case did you consult with any regulations? 3 A Time CLEAN Administrative investigation of the Newtown 7 Township case did you consult with any regulations? 4 A Nigative. 3 Q What AR? 4 A That's correct. 5 A The CLEAN Administrative investigation of the Newtown 7 Township case did you consult with any regulations? 5 A Time CLEAN Administrative investigation of the Newtown 7 Township case did you consult with any regulations? 6 Q Okay. So AR 9-4 would apply only to the State Police 17 then? 7 A No, I do not. 7 Q Okay And Thie's e-mail is dated February 8th, 18 correct. 8 A Time CLEAN Administrative investigation of the Newtown 7 Township case did you consult with any regulations? 9 A No. 9 Q Okay. And file's to Sanders to find out why he held it approximately five days? 1 Q No you was a municipality allegedly running driver's 19 stiffer a				
4 investigation was there was no violation, correct? 5 A That is just a note to me to follow up on it, and it's 6 flagged so that I can see the filter rod flag on my e-mail. 7 Q Okay. And prior to February 12, 2007 how much 8 experience had you had to investigate possible misuse of the 9 CLEAN system? 10 A About one year. It think. It think March 1st would have 11 been one year with the CLEAN section at that point. 12 Q So you started with the CLEAN roughly around March of 13 '066' 14 A March 1 of '06. 15 Q And for that approximately one year, I want to be 15 specific for Randy, about 11 months how many CLEAN 17 investigations did you do where it was alleged that someone had 18 outside of principle of the specific for Randy, about 11 months how many CLEAN 19 system? 20 A Entered missing children into the CLEAN 19 system? 21 Q Right. 22 A This was the only one. 23 Q Okay. 24 A I mean, I had done a couple other misuse 25 investigations, but this was the only one involving children. 25 investigations, but this was the only one involving children. 26 What other type did you investigate? 2 A One was a municipality allegaldy running driver's 2 information on employees. And there was another one. I don't 4 recall at this point in time what it was about, but something 5 similar to that. 6 Q Okay. And in your investigation of the Newtown 7 Township case did you consult with any regulations? 2 A No, I do not. 2 Q Did you have any reason to believe that that 2 date is inaccurate? 2 A No, I do not. 2 Q Did you have any reason to believe that that 2 date is inaccurate? 2 A No, I do not. 2 Q Okay. On by un have any reason to believe that that 2 date is inaccurate? 2 A No, I do not. 3 Q Okay. 4 A I mean, I had done a couple other misuse 2 investigations, but this was the only one involving children. 4 Color of the verbal assignment of the the investigation of the reverbal assignment of the the investigation? 3 Q What and this point in time what it was about, but something 5 information on employees. And there was another one.	197		2	
5 A The to just a note to me to follow up on it, and it's fo flagged so that I can see the little red flag on my e-mail. 7 Q Okay. And prior to February 12, 2007 how much 8 experience had you had to investigate possible misuse of the CLEAN system? 10 A About one year, I think. I think March 1st would have 11 been one year with the CLEAN section at that point. 11 Deco none year with the CLEAN section at that point. 12 Q So you started with the CLEAN section at that point. 13 '06? 14 A March 1 of '06. 15 Q And for that approximately one year, I want to be 16 specific for Randy, about 11 months how many CLEAN 7 investigations did you do where it was alleged that someone had 8 outside of jurisdiction entered missing children into the CLEAN 9 system? 14 Q Night. 15 A I mean, I had done a couple other misuse 2 investigations, but this was the only one. 16 Q Night. 17 Q Okay. And Ille's e-mail is dated February 8th, 18 correct? 18 A The CLEAN Administrative Regulations is my piece of 9 this, of this assignment that you have on the e-mail, is 19 Clean Administrative Regulations. 19 Q Night Are 11 Q Okay. So are a would upply only to the State Police 17 thee? 19 Q Okay. So are a would upply only to the State Police 17 thee? 20 Q Okay. So are a would upply only to the State Police 17 thee? 21 A This not an AR. It's actually called the CLEAN 19 Q Okay. And what was the alleged misconduct that you 20 were to investigation. 21 A Clean Administrative Regulations is my piece of 9 this, of this assignment that you have on the e-mail, is 10 Q Okay. So are a would upply only to the State Police 17 thee? 22 A Negative. 23 Q Okay. So are a would upply only to the State Police 17 thee? 24 A That's correct. 25 Page 7 Q Okay. And what was the alleged misconduct that you 20 were to investigation (do they prohibit that? 26 Q Okay. So are a would upply only to the State Police 17 thee? 27 Q Okay. So are a would upply only to the State Police 17 thee? 28 A The conclusion of the Preport have a signed to you? 29 Q Okay. And this vas the al	3		-	
6 G. Q. Okay. Now, the e-mail that we're looking at, Fultz 1, 7 kas an e-mail just below the one that was sent to you. It says 8 from Illie, Dennis C. Do you see that?  10 A About one year, I think. I think March 1st would have 11 been one year with the CLEAN roughly around March of 12 Q. So you started with the CLEAN roughly around March of 13 '06?  14 A March I of '06.  15 Q. And for that approximately one year, I want to be 16 specific for Randy, about 11 months how many CLEAN 17 investigations did you do where it was alleged that someone had 18 oustide of jurisdiction entered missing children into the CLEAN 19 system?  10 A Elizabeth of the CLEAN and the complex of the CLEAN 19 system?  11 Q. Right 19 Q. Right 19 Q. Right 19 Q. What other type did you investigate?  12 A This was the only one involving children.  15 A This was the only one involving children.  16 Q. Okay. And in your investigation of the Newtown 7 Township case did you consult with any regulations?  17 Q. Okay. And in your investigation of the Newtown 7 Township case did you consult with any regulations?  18 A This care. Administrative Regulations is my piece of 9 this, of this assignment that you have on the e-mail, is 10 Q. Okay. So As 8-6 would apply only to the State Police 17 then?  18 A That's correct.  19 Q. Okay. So As 8-6 would apply only to the State Police 17 then?  20 Q. Okay. So And what was the alleged misconduct that you 20 were to investigation.  21 A Clean Administrative Regulations is my piece of 9 this, of this assignment that you have on the e-mail, is 10 Q. Okay. So As 8-6 would apply only to the State Police 17 then?  21 Q. Okay. So As 8-6 would apply only to the State Police 17 then?  22 A Clean Administrative Regulations is my piece of 9 this, of this assignment that you have on the e-mail, is 20 Q. Q. Q. Okay. So As 8-6 would apply only to the State Police 17 then?  22 A Clean Administrative Regulations is my piece of 9 this, of this assignment that you have on the e-mail, is 20 Q. Okay. So As 8-6 would apply only to			4	
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8 from Hile, Dennis C. Do you see that? 9 A I do. 10 A About one year, I think. I think March 1st would have 11 been one year with the CLEAN section at that point. 12 Q So you started with the CLEAN roughly around March of 13 '067 14 A March 1 of '06. 15 Q And for that approximately one year, I want to be 16 specific for Randy, about 11 months how many CLEAN 17 investigations did you do where it was alleged that someone had 18 outside of jurisdiction entered missing children into the CLEAN 19 system? 19 system? 20 A Entered missing children? 21 Q Righ. 22 A This was the only one. 23 Q Okay. 24 A I mean, I had done a couple other misuse 25 investigations, but this was the only one involving children.  Page 7 1 Q What other type did you investigate? 2 A One was a manicipality allegedly running driver's 3 information on employees. And there was another one. I don't recall at this point in time what it was about, but something 5 similar to that.  6 Q Okay. And in your investigation of the Newtown 7 Township case did you consult with any regulations? 8 A The CLEAN Administrative Regulations is my piece of 9 this, of this assignment that you have on the e-mail, is 10 Q low and and refreshed the companitation of the Newtown 17 Downship case did you consult with any regulations?  10 Q Nay. Is that ARP-6? 13 Q What ARP 14 A It's not an AR It's actually called the CLEAN 11 Q How many investigations get assigned to you where the 12 Complaint came in and they held the complaint five days before then? 15 Q Okay. So ARP-6 would apply only to the State Police 17 then? 16 Q Okay. So ARP-6 would apply only to the State Police 17 then? 17 A Page 1 A Restry of three children into the Notic database by 20 Detective Christopher Bush. 28 A That's correct. 29 Q Okay, And what was the alleged misconduct that you were to investigate? 20 Q Okay were to investigation coming in to be 21 done and being held five days before it was assigned to you? 2 A Well, I don't know. I don't know. 2 I don't know. I don't know were to investigate? 3 Q A	6			
9 A I do. 10 Q Do you know who he is? 11 been one year. I think. I think March I st would have 12 Q So you started with the CLEAN roughly around March of 13 '06? 14 A March I of '06. 15 Q And for that approximately one year, I want to be 16 specific for Randy, about I I months how many CLEAN 17 investigations did you do where it was alleged that someone had 18 outside of jurisdiction entered missing children into the CLEAN 18 yostem? 20 A Entered missing children? 21 Q Right. 22 A This was the only one. 23 Q Okay. 24 A I mean, I had done a couple other misuse 25 investigations, but this was the only one involving children. 25 Investigations, but this was the only one involving children. 26 Q Okay. And on our investigation of the Newtown of Township, send did you investigation? 27 A One was a municipality allegedly running driver's investigation on employees. And there was another one. I don't a fee. I don't know bat it ever was held, or I'm trying to 24 know fee. I don't know that it ever was held, or I'm trying to 24 know fee. I don't know that it ever was held, or I'm trying to 24 know fee. I don't know that it ever was held, or I'm trying to 24 know fee.			7	has an e-mail just below the one that was sent to you. It says
10 A About one year, I think. I think March 1st would have 11 been one year with the CLEAN section at that point. 12 Q So you started with the CLEAN section at that point. 13 067 14 A March 1 of '06. 15 Q And for that approximately one year, I want to be 16 specific for Randy, about 11 months how many CLEAN investigations did you do where it was alleged that someone had 18 outside of jurisdiction entered missing children into the CLEAN 19 system? 19 system? 20 A Entered missing children? 21 Q Right. 22 A This was the only one. 23 Q Okay. 24 A I mean, I had done a couple other misuse 25 investigations, but this was the only one involving children. 25 investigations, but this was the only one employees. And there was another one. I don't recall at this point in time what it was about, but something 5 similar to that. 26 Q Okay. And in your investigation of the Newtown 7 Township case did you consult with any regulations? 27 A The CLEAN Administrative Regulations is my piece of 9ths, of this assignment that you have on the e-mail, is 10 Q Nay. And in your investigation of the Newtown 7 Township case did you consult with any regulations? 28 A The CLEAN Administrative Regulation. 30 Q What AR? 41 A It's not an AR It's actually called the CLEAN 11 Q Okay. So AR 9-6 would apply only to the State Police 17 then? 42 A Pan's correct. 43 Q Okay. So AR 9-6 would apply only to the State Police 17 then? 44 A This not an AR It's actually called the CLEAN 21 Q Do you cere reall any investigation coming in to be 21 done and being held five days before it was assigned to you? 2 A Well, I don't know. 31 Q Nath the CLEAN Administration Regulations that you 24 reviewed, do they prohibit that? 32 Q And the CLEAN Administration Regulations that you 24 reviewed, do they prohibit that? 33 Q Ova do contain that it ever was held, or I'm trying to 24 knowled for the contain the containing in to be 21 done and being held five days before it was assigned to you? 2 A Well, I don't know. I don't know that it ever was held, or I'm trying to 24	1		8	
11 bean one year with the CLEAN section at that point.     12 Q So you started with the CLEAN roughly around March of 19 (706).     14 A March 1 of '106.     15 Q And for that approximately one year, I want to be 16 specifie for Randy, about 11 months how many CLEAN 17 investigations did you do where it was alleged that someone had 18 outside of jurisition entered missing children?     16 Q Right.     17 Q Right.     18 Q Right.     19 A Yes.     20 Q A Entered missing children?     21 Q Right.     22 A This was the only one.     23 Q OKay.     24 A I mean, I had done a couple other misuse     25 investigations, but this was the only one involving children.     28 A The Clean Administrative Regulations of the Newtown 7 Township case did you consult with any regulations?     3 A That's correct.     3 Q What AR?     4 A If So not.     10 Q Okay. And ministrative Investigation.     11 A No, I do not.     2 Q Did you have any discussion with Shawn sanders about 13 that e-mail that he was receiving and thus sending to you to the the investigation?     15 A Yes. This was the basis of the verbal assignment of 16 the missuse, and he forwarded Mr. Hile's e-mail to me.     17 Q Okay. And Hile's e-mail is dated February 8th,     18 correct?     19 Q Okay. And Hile's e-mail is inaccurate?     20 Q Okay. Do you have any reason to believe that that     21 date is inaccurate?     22 A No, I do not.     23 Q Did you talk to Sanders to find out why he held it     24 approximately five days?     25 A No.     26 A No.     27 A No.     28 A The one was a municipality allegedly running driver's     28 A The CLEAN Administrative Regulations is my piece of     29 Did you can the training supervisor for the CLEAN     3 So you could start the investigation did you learn why     2 I took five days for Shawn Sanders to then send you the e-mail     3 so you could start the investigation did you learn why     2 I took five days for Shawn Sanders to then send you the e-mail     3 So you could start the investigation did you learn why	9		9	A I do.
12 Q Did you have any discussion with Shawn sanders about 13 '06? 15 Q And for that approximately one year, I want to be 16 specific for Randy, about 11 months how many CLEAN 17 investigations did you do where it was alleged that someone had 18 outside of jurisdiction entered missing children into the CLEAN 18 outside of jurisdiction entered missing children? 21 Q Right. 22 A This was the only one. 23 Q Okay. An this was the only one. 24 A I mean, I had done a couple other misuse 25 investigations, but this was the only one involving children. 26 Investigation on camployees. And there was another one. I don't approximately five days? 27 A Cone was a municipality allegedly running driver's 3 information on employees. And there was another one. I don't approximately five days for Shawn Sanders to then send you the e-mail is one of this, of this assignment that you have on the e-mail, is 0 strictly an administrative Regulations is my piece of this, of this assignment that you have on the e-mail, is 0 strictly an administrative investigation. 26 Q Okay. So AR 9-6 would apply only to the State Police then? 27 A Ragative. 28 A That's correct. 29 Q Okay. So AR 9-6 would apply only to the State Police then? 30 Q Okay. And what was the alleged misconduct that you were to investigate? 31 A This's correct. 32 Q Okay. And what was the alleged misconduct that you were to investigate? 33 Q And the CLEAN Administrative negulations. 34 A That's correct. 35 Q Okay. So AR 9-6 would apply only to the State Police then? 36 A That's correct. 37 Q Okay. So AR 9-6 would apply only to the State Police then? 38 A That's correct. 39 Q Okay. And what was the alleged misconduct that you were to investigate? 30 Q And the CLEAN Administrative negulations that you were to investigate? 31 A That's correct. 32 Q Okay. And what was the alleged misconduct that you were to investigate? 31 Q And the CLEAN Administration of the Newtown of the Ne		400	10	Q Do you know who he is?
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15 Q And for that approximately one year, I want to be 16 specific for Randy, about 11 months how many CLEAN 17 investigations did you do where it was alleged that someone had 18 outside of jurisdiction entered missing children into the CLEAN 19 system? 20 A Entered missing children? 21 Q Right. 22 A This was the only one. 23 Q Okay. 24 A I mean, I had done a couple other misuse 25 investigations, but this was the only one involving children. 25 investigations, but this was the only one involving children.  Page 7 1 Q What other type did you investigate? 2 A One was a municipality allegedly running driver's 3 information on employees. And there was another one. I don't 4 recall at this point in time what it was about, but something 5 similar to that. 6 Q Okay. And in your investigation of the Newtown 7 Township case did you consult with any regulations? 8 A The CLEAN Administrative Regulations is my piece of 9 this, of this assignment that you have on the e-mail, is 10 Q Okay. Is that AR 9-6? 11 Q Okay. Is that AR 9-6? 12 A Negative. 13 Q What AR? 14 A It's not an AR. It's actually called the CLEAN 15 Administrative Regulation. 16 Q Okay. So AR 9-6 would apply only to the State Police 17 then? 18 A That's correct. 19 Q Okay, And what was the alleged misconduct that you were to investigate? 21 A Rentry of three children into the NCIC database by 22 Descrive Christopher Bush. 23 Q And the CLEAN Administration Regulations that you 24 reviewed, do they prohibit that?	13	'06?	13	that e-mail that he was receiving and thus sending to you to do
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				, , , , , , , , , , , , , , , , , , , ,
	124	raviaryad do thay muchihit that?	21	knowy if you manall?
25 A They don't prohibit entry. They prohibit entry for 25 A I don't recall if there's ever been a time lapse like	1			

Page 10

1 that or there was or there wasn't.

Q Okay.

A But I know it's common for me to get a phone call

4 saying, hey, there's one coming your way and then receive the

5 documentation later on.

O Did that occur in this case?

A In this case?

O Yeah.

A I -- making an assumption, yeah. I assume I got the

10 verbal, and then I -- he followed up with this e-mail.

Q You would assume that? 11

12 A Well, it's three years ago. It's more than three

13 years ago.

Q Granted. So it's easier to say you don't recall it

15 occurring, but if you assume it, I'm going to ask you why you 15

16 assume it.

17 A Why I assume what?

18 Q That you got a phone call first before you got the

19 e-mail?

20 A Well, in this case?

21

A I know I got the verbal first, and then I got the

23 e-mail. I know.

24 Q How much time passed?

25 A I don't know that.

1 Q And the verbal came from Shawn Sanders?

2 A Correct.

Q Okay. On the second page, the very top, it says after

4 the children were returned the Richmond police and the FBI both

5 dropped their charges against the father, David Bush.

6 Originally they had charged him with three counts of abduction

7 of children and conspiracy to commit abduction. Did you

8 investigate that?

A No.

10 Q Okay. So you don't know if that's true or not?

A No, I don't. Well, I shouldn't say that. I know

12 because Detective Bush indicated that that was the case when we

13 were at Newtown Township. But actually calling the FBI or the

14 Richmond, I did not do that. That was actually outside the

15 scope of my administrative investigation.

Q The second -- the second paragraph reads sometime

17 right after the kids were returned the Newtown police officer,

18 Christopher Bush, brother of father, David Bush, filed an

19 Internal Affairs complaint against our officers for not taking

20 this as a missing child investigation. This IAD complaint was

21 determined to be unfounded.

Were you informed of -- by anyone other than by this

23 e-mail about the IAD investigation?

24 A I think it was Chief --

25 Q Duffy? A -- Duffy indicated that there was an IAD complaint

2 filed by Mr. -- by Detective Bush.

Q Did you talk to anybody about the fact that there was

Page 12

Page 13

4 a complaint by Officer Christopher Bush that was being

5 investigated by the State Police IAD unit?

A I don't recall talking to anybody. Because, again, 6

7 this was outside the scope of my administrative investigation

8 as to whether or not there was a violation of the CLEAN

9 Administrative Regulation.

10 Q And this e-mail has not been -- that you know of, been

11 tampered with by the dates?

12 A Not that I'm aware of, no.

13 Q And you never spoke to Dennis Hile?

14 A Not that I recall.

Q When you start an ordinary investigation under CLEAN

16 what kind of paperwork do you create?

17 A I ask for a -- an off-line search to see if, in fact

18 -- depending on what it was, if the person was queried, if the

19 person or property was entered, if it was cancelled, et cetera,

20 et cetera, to see, if in fact, there was some interaction with

21 the CLEAN/NCIC system.

22 Q Okay. And did you do that in this case?

23 A I did.

25

24 Q Okay. And what did you learn?

A I learned that there had been entry of the three

Page 11

1 children and subsequent cancellation of the three children in

2 the NCIC system.

Q How long did your investigation take?

A A little more than three months, I think.

Q When you got the assignment did you speak to anybody

6 to assist you?

7 A When I initially got the assignment, no, I did not.

8 Q You said you were the training supervisor?

9 A I was.

10 Q Okay. And you would train people on what, supervise

11 --

12 A How to properly use the system.

13 Q Okay. And when you say that you mean to stay within

14 the requirements of the CLEAN Administration Regulation?

15 A And the NCIC regulations, yes.

16 Q Okay. So when you got your report about these

17 children being entered in Newtown, by Newtown, and their names

being changed and David Bush trying to find his children and

there was not an official comparison -- investigation, what

would you have looked for to see if there was a violation of 20

21 the CLEAN Administrative Regulation?

22 A Well, for every missing person entry there has to be a

23 missing person's report on file with the agency that makes the

24 entry.

25 Q A report or a missing child's report?

Page 10 - Page 13

Page 14

- 1 A A missing person report, a missing child report,
- 2 whatever they would classify it.
- 3 Q Whatever the reporting agency would classify it?
- 4 A Yeah. It has to be a missing person's report to enter
- 5 somebody into the missing person's file.
- 6 Q Okay. Is there a distinction between a missing
- 7 child's report and a report of a missing person?
- 8 A It depends on the department.
- 9 Q Okay.
- 10 A Some departments have different checklists for, you
- 11 know, different entries. Some are different for juveniles,
- 12 some are different for adults. But substantially most that
- 13 I've seen correspond with the NCIC entry screens.
- 14 Q Okay. So you look to see if there's a report that
- 15 corresponds with information of what's in the NCIC?
- 16 A Yes, sir.
- 17 Q And if there is such a report that correspondences to
- 18 that, that's sufficient for the purposes of the CLEAN
- 19 Administrative Regulation?
- 20 A That's correct.
- 21 Q Okay. There's no magical type of report, just
- 22 something that has the information that's consistent with
- 23 what's put in?
- 24 A That's correct.
- 25 Q Okay. And when you started your investigation did you 25

- 1 A That's correct.
  - 2 Q So if that police department is being asked for a
  - 3 particular type of report and not a report that's consistent
  - 4 with the entry information, you don't believe confusion can
  - 5 result?
  - 6 A Semantics at this point. No, I don't. Not in this
  - 7 case.
  - 8 MR. PURICELLI: Not in this case. Well, just mark
  - 9 this Fultz 2.
  - 10 (Incident investigation report was produced and marked
  - 11 as Fultz Deposition Exhibit No. 2.)
  - 12 BY MR. PURICELLI:
  - 13 Q Showing you Fultz 2. Have you seen this document
  - 14 before?
  - 15 A Yes, I have.
  - 16 Q Is this the document you were showing when you went to
  - 17 Newtown Township?
  - 18 A To the best of my recollection, yes, it is.
  - 19 Q Does this document contain the information consistent
  - 20 with what was in the NCIC entry?
  - 21 A Yes.
  - 22 Q When you went to Newtown Township you met with
  - 23 Detective Bush and Chief Duffy?
  - 24 A Yes
  - 25 Q Did Chief Duffy accuse you of being down in his

#### Page 15

- 1 ask for a report that was consistent with the information --
- 2 A I did.
- Q -- on -- let me get the question out, okay. -- that
- 4 was consistent with what was put in, or did you ask for a
- 5 particular name of a report?
- 6 A I don't recall exactly what I asked for. I asked if
- 7 he had a police report that would justify the entry. Whether I
- 8 said missing persons or just a report, I don't -- I really
- 9 don't recall.
- 10 Q You don't recall?
- 11 A I don't recall.
- 12 Q Okay. Now, if a -- would you agree with me if a
- 13 police department, not your police department, has a report
- 14 system and a particular form that's called a missing, and you
- 15 asked for a missing, and they don't have a missing, but they
- 16 got a report, would you agree that there would be some
- 17 confusion that's created as to what you're asking for and what 17
- 18 they're answering?
- 19 A I disagree.
- 20 Q You disagree? Why?
- 21 A Because they knew exactly why I was there, to
- 22 investigate the entry of missing children.
- 23 Q Well, didn't you just tell me that you weren't
- 24 interested in what the classification was, only that they have
- 25 a report that's consistent with the information in NCIC?

Page 17

Page 16

- 2 Bush making a complaint against the state trooper?
- 3 A Yes, he did make that accusation.
- 4 Q The e-mail that you received in your assignment
- 5 specifically identifies that complaint, doesn't it? You can

1 department looking at this report in retaliation of Christopher

- 6 read it if you want.
- 7 A Yes, yes, it does. I think that was on the second
- 8 page.
- 9 Q So you knew -- did you ask Duffy -- strike that. Did
- 10 you tell Duffy you knew nothing about that complaint?
- 11 A I don't recall telling him I knew nothing about it,
- 12 but I did -- do recall telling him that we were not there to
- 13 pursue this IAD complaint.
- 14 My investigation was from the CLEAN administrative
- 15 section and was strictly administrative and not as a result of
- 16 the IAD.
- 17 Q Prior to this complaint, this assignment, how many
- 18 times had you been informed that you were to go out and
- 19 investigate a matter that involved an officer who had already
- 20 filed a complaint to BPR against a state trooper?
- 21 A I don't recall any.
- 22 Q Since this time how many times have you been assigned
- 23 a CLEAN investigation where the person sending the information
- 24 is the assigned investigator for a BPR complaint?
- A Can you ask that one more time?

		JULY 20, 2010
Page 18		Page 20
Q I can. Prior after this investigation well,	1	Q Okay. And your
even both.	2	A To the best of my knowledge.
A All right.	3	Q You're free to look at your report. And it's dated
Q How many times has a person assigned to do an		the same as the e-mail from Sergeant Sanders. I'm going to
investigation that comes from BPR to them to investigate called	5	show you what's been marked as Hill 5. Is that your report?
you and said do a CLEAN investigation of the person in his	6	A It appears to be, yes, sir.
agency that's making the complaint against the trooper?	7	Q Is that a complete report? I have every page of your
A As I recall, none of my misuse investigations aside	8	report?
from this.	9	A That's correct.
Q How many times in any of your investigations have you	10	Q Okay. The report that you have in your file is
been told that somebody that BPR is also investigating a	11	signed, isn't it?
2 portion of what you're doing?	12	A It is.
3 A Aside from this?	13	Q And the report I gave you is not signed; is that
4 Q Aside from this case?	14	correct?
5 A None.	15	A That's correct.
Q None. I'm going to show you what's already been	16	Q Do you know why I would have an unsigned copy of your
7 marked as Ignatz 1. Have you ever seen these documents before?	17	report?
8 A Yes.	18	A No, I don't.
Q One is a they're both business cards, right?	19	Q Do you release your report?
A They are.	20	A It has my badge number on it.
Q When you went down and saw Chief Duffy and Detective	21	Q Anybody can type that down, right?
2 Bush did the two of you hand your business cards to them?	22	A That's correct.
3 A I believe we did.	23	Q But not just anybody can sign your name though, right?
4 Q Okay. Are these true and correct representations or	24	A True.
5 copy of your business card back on the date that you went and	25	Q Do you release unsigned reports, meaning you
Page 19 1 saw Chief Duffy?	1	Page 2
	1	personally give them for review before they're signed?
A At the time, yes.	2	A To my supervisor.
Q Okay. Have you ever talked to Sergeant David Young in	3	
4 the Montoursville State Police barracks?	4	The state of the s
A I believe I had communication with Sergeant Young	1	final copy of the report here is what would have went forward.
6 about a report that one of the troopers did that I wanted to	6	c specification of the second
7 take a look at based on the incident that Mr. Bush Detective		file?
8 Bush's brother went to Mansfield, I think, or Montoursville. I	8	
9 don't recall. But the trooper did a did an assignment	9	, and the part of
0 report.	10	, , , , , , , , , , ,
1 Q Okay. And just so	11	
2 A So I believe if I recall I talked to Sergeant Young	12	have a word processing system that you use to do your reports,
3 about obtaining that document.	13	correct?
4 Q And just so that we're clear, you didn't before the	14	A Correct.
5 e-mail date of February 12th or 13th you weren't investigating	15	Q Do you save that file?
6 the Bush entry of the kids, correct, in '06? You weren't	16	A I do.
7 A In '06?	17	Q And do you place it in a data bank that anybody can
8 Q Yeah.	18	access?
9 A I don't believe so.	19	A No, I don't.
Q All right. So if we understand correctly, this	20	Q So the report that you prepare is kept to you
e-mail, aside from maybe a phone call, you know, in February of	21	
2 2007 so in January of 2007, December of 2006, and November	22	
3 of 2006 you weren't involved in any investigation of this	23	
	1	And the property of the party o
4 purported misuse of the CLEAN system?	24	A Yes.